

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKDocument # 25

Wali
 -v-
Chelsea Plastics

U.S.C.A. # _____

U.S.D.C. # 07-cv-7549JUDGE: DABDATE: June 5 2008

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCZYK
 FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
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DISTRICT COURT DOCKET ENTRIES _____

DOCUMENT DESCRIPTION	DOC. #
<u>CLERK'S CERTIFICATE</u>	_____
<u>SEE ATTACHED LIST OF NUMBERED DOCUMENTS</u>	_____
<u>** ONLY CIRCLED DOCUMENTS ARE INCLUDED **</u>	_____
<u>** ALL OTHERS MISSING AT THIS TIME **</u>	_____

Original Record

Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
 for the Second Circuit on the 5th Day of June, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Wali

-V-

Chelsea Plastics

U.S.C.A. # _____

U.S.D.C. # 07-W-7549

JUDGE: DAB

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

BALANCE OF FILE MISSING AT THIS TIME

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,
this 5th Day of June. In this year of our Lord, Two Thousand and Eight, and the Independence of
the United States this 232nd year.

J. Michael McMahon, Clerk

By

Deputy Clerk

APPEAL, CASREF, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-07549-DAB-THK
Internal Use Only

Wali v. Chelsea Plastics et al
Assigned to: Judge Deborah A. Batts
Referred to: Magistrate Judge Theodore H. Katz
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/24/2007
Date Terminated: 05/13/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Date Filed	#	Docket Text
08/24/2007	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Abdul Karim Wali.(kco) (Entered: 09/05/2007)
08/24/2007		Magistrate Judge Theodore H. Katz is so designated. (kco) (Entered: 09/05/2007)
08/24/2007	2	COMPLAINT against Chelsea Plastics, George Frechter, Shirely Rose. Document filed by Abdul Karim Wali.(kco) (Entered: 09/05/2007)
08/24/2007	3	60 DAYS ORDER: The plaintiff is hereby directed to file an amended complaint detailing his claim of employment discrimination, it must be submitted to this Court's Pro Se Office within sixty (60) days of the date of this order. No summons shall be issued at this time and all further proceedings shall be stayed for sixty (60) days or until plaintiff has complied with this order. If plaintiff fails to comply with this order the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. We certify pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/24/07) (kco) (Entered: 09/05/2007)
09/20/2007	4	AMENDED COMPLAINT amending 2 Complaint against Abdul Karim Wali. Document filed by Abdul Karim Wali. Related document: 2 Complaint filed by Abdul Karim Wali.(pl) (Entered: 09/24/2007)
09/26/2007	5	NOTICE OF CASE REASSIGNMENT to Judge Deborah A. Batts. Judge Kimba M. Wood is no longer assigned to the case. (jeh) (Entered: 10/02/2007)
09/26/2007		Mailed notice to the attorney(s) of record. (jeh) (Entered: 10/02/2007)
10/16/2007		SUMMONS ISSUED as to Chelsea Plastics, George Frechter, Shirely Rose. (tro) (Entered: 10/19/2007)
12/04/2007	6	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Shirely Rose served on 11/13/2007, answer due 12/3/2007. Service was made by MAIL. Document filed by Abdul Karim Wali. (kco) (Entered: 12/05/2007)
12/04/2007	7	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Chelsea Plastics served on 11/15/2007, answer due 12/5/2007. Service was made by MAIL. Document filed by Abdul Karim Wali. (kco) (Entered: 12/05/2007)
12/04/2007	8	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. George Frechter served on 11/13/2007, answer due 12/3/2007. Service was made by MAIL. Document filed by Abdul Karim Wali. (kco) (Entered: 12/05/2007)
12/04/2007	9	AFFIRMATION of Joshua Marcus on behalf of Defendants' application for a motion to dismiss plaintiff's claims. Document filed by Chelsea Plastics, George Frechter, Shirely Rose. (djc) (Entered: 12/06/2007)
12/04/2007	10	MEMORANDUM OF LAW in Support of Defendants' Motion to Dismiss, or in the Alternative, Motion for a More Definite Statement. Document filed by Chelsea Plastics, George Frechter, Shirely Rose. (djc) (Entered: 12/06/2007)
12/04/2007	11	AFFIDAVIT of Shirley Rose in Support of Defendants' Motion to Dismiss. Document filed by Chelsea Plastics, George Frechter, Shirely Rose. (djc) (Entered: 12/06/2007)
12/04/2007	12	MOTION Dismissing plaintiff's claims against Chelsea Plastics purs to Title VII of the Civil Rights Act of 1964, 42 U.S.C. purs to FRCP 12(b)(1)(6) and FRCP 8(a). MOTION for More Definite Statement, MOTION dismissing plaintiff's claims against George Frechter and Shirley Rose purs to FRCP 12(b)(6) or in the alternative granting defendants' motion for a more definite statement purs to 12(e). Document filed by Chelsea Plastics, George Frechter, Shirely Rose.(djc) Modified on 1/30/2008 (djc). (Entered: 12/06/2007)
12/14/2007	13	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Dispositive Motion (i.e., motion requiring a Report and Recommendation). Referred to Magistrate Judge Theodore H. Katz. Particular Motion: motion to dismiss, in the alternative for a more particular statement. Motions referred to Theodore H. Katz. (Signed by Judge Deborah A. Batts on 12/13/07) (pl) (Entered: 12/19/2007)
12/17/2007	14	AFFIRMATION of Abdul Karim Wali in Opposition re: 12 MOTION to Dismiss. MOTION for More Definite Statement. MOTION dismissing plaintiff's claims against George Frechter and Shirley Rose purs to FRCP 12(b)(6). MOTION dismissing plaintiff's claims against George Frechter and Shirley Rose purs to FRCP 12(b)(6). Document filed by Abdul Karim Wali. (dle) (Entered: 12/19/2007)
01/02/2008	15	REPLY MEMORANDUM OF LAW in Support re: 12 MOTION to Dismiss. MOTION for More Definite Statement. MOTION dismissing plaintiff's claims agianst George Frechter and Shirley Rose purs to FRCP 12(b)(6). MOTION dismissing plaintiff's claims agianst George Frechter and Shirley Rose purs toFRCP 12(b)(6). Document filed by Chelsea Plastics, George Frechter, Shirely Rose. (pl) (Entered: 01/08/2008)
01/16/2008	16	ORDER: The Court converts Defendants' Motion to Dismiss, or in the alternative, Motion for a More Definitive Statement, into a Motion for Summary Judgment. By 1/30/2008, Defendant Chelsea Plastics is to provide to the Court, and serve upon Plaintiff, records from 2004 that support Rose's assertion that Chelsea Plastics did not employ fifteen or more employees during that calendar year. By 2/14/2008, Plaintiff is to state whether he intends to contest Defendant Chelsea Plastic's assertion that it did not have fifteen

		or more employees during 2004, 2005, or 2006, and if he does intend to contest that assertion, Plaintiff is to provide competent evidence to indicate that the assertion is incorrect. (Signed by Magistrate Judge Theodore H. Katz on 1/16/2008) Copies mailed by chambers. (jar) (Entered: 01/16/2008)
01/28/2008	17	SUPPLEMENTAL AFFIDAVIT of Shirley Rose in Support of Defendants' Motion for Summary Judgment. Document filed by Shirely Rose. (djc) (Entered: 01/30/2008)
02/05/2008	18	AFFIRMATION of Abdul Karim Wali in Opposition re: 12 MOTION to Dismiss. MOTION for More Definite Statement. MOTION dismissing plaintiff's claims agianst George Frechter and Shirley Rose purs toFRCP 12(b)(6). MOTION dismissing plaintiff's claims agianst George Frechter and Shirley Rose purs toFRCP 12(b)(6). MOTION dismissing plaintiff's claims agianst George Frechter and Shirley Rose purs toFRCP 12(b)(6).. Document filed by Abdul Karim Wali. (jp) (Entered: 02/06/2008)
03/05/2008	19	REPORT AND RECOMMENDATIONS re: For reasons further set forth in said Order, The Court respectfully requests that Defendant's 12 MOTION to Dismiss be Granted and that the 4 Amended Complaint be Dismissed with Prejudice. Objections to R&R due by 3/18/2008 (Signed by Magistrate Judge Theodore H. Katz on 3/5/08) Copies Mailed by Chambers.(db) (Entered: 03/05/2008)
03/13/2008	20	OBJECTION and STATEMENTS to 19 Report and Recommendations Document filed by Abdul Karim Wali. (pl) (Entered: 03/13/2008)
03/28/2008	21	Defendants' Response To Plaintiff's Objections to the Report and Recommendations of Magistrate Judge Katz. Document filed by Chelsea Plastics, George Frechter, Shirely Rose. (rw) (Entered: 03/28/2008)
05/09/2008	22	ORDER ADOPTING REPORT AND RECOMMENDATIONS for 19 Report and Recommendations. The Report and Recommendation of United States Magistrate Judge Katz dated March 5, 2008, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court. Summary Judgment shall be entered in favor of Defendant Chelsea Plastics, and that the claims against it are DISMISSED. Plaintiff's claims against Defendants Frechter and Rose are DISMISSED. The Clerk of Court is directed to close this case and remove it from the docket. (Signed by Judge Deborah A. Batts on 5/9/08) (tro) (Entered: 05/12/2008)
05/09/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 22 Order Adopting Report and Recommendations, to the Judgments and Orders Clerk. (tro) (Entered: 05/12/2008)
05/13/2008	23	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated May 9, 2008, the report is adopted; summary judgment is entered in favor of defendant Chelsea Plastics, and the claims against it is dismissed; and plaintiffs claims against defendants Frechter and Rose are dismissed; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 5/13/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 05/13/2008)
05/13/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Abdul Karim Wali and to Attorney(s) of Record: Joshua A. Marcus. (ama) (Entered: 05/15/2008)
06/04/2008	24	NOTICE OF APPEAL from 23 Clerk's Judgment. Document filed by Abdul Karim Wali. Copies mailed to attorney(s) of record: Franklin Gringer & Cohen, P.C. (tp) (Entered: 06/05/2008)
06/04/2008		Appeal Remark as to 24 Notice of Appeal filed by Abdul Karim Wali. \$455.00 APPEAL FEE DUE. (tp) (Entered: 06/05/2008)
06/05/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 24 Notice of Appeal. (tp) (Entered: 06/05/2008)
06/05/2008		Transmission of Notice of Appeal to the District Judge re: 24 Notice of Appeal. (tp) (Entered: 06/05/2008)